

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMAR WILLIAMS,

Plaintiff,

V.

UNKNOWN O. FLYNN, Officer,  
Individual and official capacities, and  
UNKNOWN BERRYHILL, Officer,  
Individual and official capacities,

Defendants.

4:07CV3138

**MEMORANDUM  
AND ORDER**

This matter is before the court on its own motion. On June 14, 2007, the court entered an order that, among other things, directed Plaintiff to serve summons on Defendants no later than 120 days from the filing of the complaint, or by September 26, 2007. (Filing No. 4.) Plaintiff served Defendant Flynn with summons on August 15, 2007. (Filing No. 9.) Plaintiff attempted to serve a non-party, "Officer Mayberry," but that summons form was returned to Plaintiff because there is no party named Mayberry in this case. (Filing No. 6.) Plaintiff has never returned a completed summons form to the Clerk of the court for service on Defendant Berryhill, and Defendant Berryhill has not been served with summons. (*See* Docket Sheet.)

Plaintiff shall have 30 days, or until November 9, 2007, to show cause why this case should not be dismissed against Defendant Berryhill due to Plaintiff's failure to serve summons.

IT IS THEREFORE ORDERED that:

1. Plaintiff failed to serve summons on Defendant Unknown Berryhill within 120 days of the filing of the Complaint in this matter. Plaintiff shall have 30

days, or until November 9, 2007, to show cause why this case should not be dismissed against Defendant Berryhill.

2. If Plaintiff does not respond, or if good cause is not shown, this action will be dismissed against Defendant Berryhill without further notice.

3. The Clerk of the court is directed to set a pro se case management deadline with the following text: November 9, 2007: deadline for Plaintiff to show cause why service of process was not completed for Defendant Berryhill.

October 9, 2007.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge